

OFFICIAL JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES
OF THE
STATE OF LOUISIANA

FIFTH DAY'S PROCEEDINGS

**Twenty-ninth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

House of Representatives
State Capitol
Baton Rouge, Louisiana

Tuesday, April 8, 2003

The House of Representatives was called to order at 2:00 P.M., by the Honorable Charlie DeWitt, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. Speaker	Fruge	Perkins
Alario	Futrell	Psychaud
Alexander	Gallot	Pierre
Ansardi	Glover	Pinac
Arnold	Green	Pitre
Baldone	Guillory	Powell
Baudoin	Hammett	Quezaire
Baylor	Heaton	Richmond
Beard	Hebert	Romero
Bowler	Hill	Salter
Broome	Honey	Scalise
Bruce	Hopkins	Schneider
Bruneau	Hudson	Schwegmann
Capella	Hunter	Shaw
Carter, K	Iles	Smith, G.—56th
Carter, R	Jackson, L	Smith, J.D.—50th
Cazayoux	Jackson, M	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Crowe	Katz	Sneed
Curtis	Kennard	Stelly
Damico	Kenney	Strain
Daniel	LaFleur	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Doerge	Lucas	Triche
Downer	Martiny	Tucker
Downs	McDonald	Waddell
Durand	McVea	Walker

Erdey	Montgomery	Walsworth
Fannin	Morrell	Welch
Farrar	Morrish	Winston
Faucheux	Murray	Wooton
Flavin	Nevers	Wright
Frith	Odinet	
Total—104		

ABSENT

Hutter
Total—1

The Speaker announced that there were 104 members present and a quorum.

Prayer

Prayer was offered by Rep. Romero.

Pledge of Allegiance

Rep. Nevers led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Rep. Frith, the reading of the Journal was dispensed with.

On motion of Rep. Frith, the Journal of April 7, 2003, was adopted.

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

April 7, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 75
Returned without amendments.

House Concurrent Resolution No. 76
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

April 7, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 32 and 33

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Landrieu, the rules were suspended in order to take up and consider Senate Concurrent Resolutions at this time.

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 32—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To recognize and acknowledge the work, accomplishments, and contributions of Carol Colthorp and to offer the condolences of the legislature to her family.

Read by title.

On motion of Rep. Landrieu, and under a suspension of the rules, the resolution was concurred in.

SENATE CONCURRENT RESOLUTION NO. 33—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To commend the crew of the space shuttle Columbia and offer the condolences of the legislature to their families.

Read by title.

On motion of Rep. Landrieu, and under a suspension of the rules, the resolution was concurred in.

Message from the Senate

SENATE BILLS

April 8, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 40, 135, 279, 285, 293, 306, 332, 457, 505, 513 and 552

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Schneider, the rules were suspended in order to take up the bills contained in the message at this time.

Senate Bills and Joint Resolutions on First Reading

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 40—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 46:1844(W)(1) and to enact the Children's Code Art. 811.1(G)(3), relative to rights of certain crime victims; to provide for the rescission of certain confidentiality requirements with respect to information for the AMBER Alert network; and to provide for related matters.

Read by title.

SENATE BILL NO. 135—

BY SENATOR GAUTREAU

AN ACT

To amend R.S. 47:2301, 2302(A), 2303, and 2307(A)(2) (introductory paragraph), relative to ad valorem property tax; to provide for use value assessment of certain agricultural land; and to provide for related matters.

Read by title.

SENATE BILL NO. 279—

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 33:9038.4(A), relative to cooperative economic development; to require the secretary of the Department of Economic Development to obtain approval of proposed economic development projects from the Joint Legislative Committee on the Budget; to require state bond commission approval for certain cooperative endeavor agreements; and to provide for related matters.

Read by title.

SENATE BILL NO. 285—

BY SENATORS LENTINI, HEITMEIER, SCHEDLER AND HOLDEN

AN ACT

To amend and reenact R.S. 26:2(8) and 74(A), 271(A)(3), and 274(A), relative to alcoholic beverages; to provide relative to alcoholic beverage permits; to authorize permitting of commercial airlines as liquor retail distribution centers for such beverages; to provide relative to permits for dealers in beverages of low alcoholic content; to provide for permitting of a commercial airline as a retailer for such beverages; to prohibit the requirement of local permits or fees for commercial airlines; and to provide for related matters.

Read by title.

SENATE BILL NO. 293—

BY SENATORS DARDENNE AND SCHEDLER

AN ACT

To amend and reenact R.S. 47:303.1(B), (C) and (D), relative to state and local sales and use taxes; to provide that private, non-profit, tax-exempt organizations may apply for a Direct Payment Number by which to remit such taxes owed; and to provide for related matters.

Read by title.

SENATE BILL NO. 306—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:1232.6 and 1232.7(B), and to enact R.S. 40:1231(22) and (23) and R.S. 40:1232.3(8), relative to emergency medical personnel; to provide for imposition of fines and payment of costs of disciplinary matters; and to provide for more explicit language regarding criminal offenses by those regulated by the Emergency Medical Services Certification Commission; to provide for subpoenas for hearings before the

commission; to provide for particular definitions; and to provide for related matters.

Read by title.

SENATE BILL NO. 332—
BY SENATOR CRAVINS

AN ACT

To enact Chapter 4 of Title XVI of the Children's Code, to be comprised of Articles 1661 through 1673, and to repeal Children's Code Articles 1623 through 1657, relative to the Interstate Compacts Affecting Children; to provide for the adoption of a revised Interstate Compact for Juveniles; to authorize the state to join the Interstate Compact for Juveniles; to provide for its purpose; to provide for definitions; to provide for the form of the compact; to create the Interstate Commission for Juveniles; to provide for its membership and duties; to create a State Council for Interstate Juvenile Supervision; to provide for its membership and duties; to provide for an effective date; to repeal a prior compact; and to provide for related matters.

Read by title.

SENATE BILL NO. 457—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 13:2586(D) and to enact R.S. 13:2586(C)(4) and 2587.2, relative to jurisdiction for justice of the peace courts; to authorize justice of the peace courts to have jurisdiction over certain objects that have been removed, abandoned or disposed of; to provide for appellate procedure for such actions; to provide for fines and penalties; and to provide for related matters.

Read by title.

SENATE BILL NO. 505—
BY SENATOR DARDENNE AND REPRESENTATIVE LEBLANC

AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(h), relative to the Department of the Treasury, including provisions to provide for the re-creation of the Department of the Treasury and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Read by title.

SENATE BILL NO. 513—
BY SENATOR C. JONES

AN ACT

To amend and reenact Code of Criminal Procedure Art. 317 relative to unsecured personal surety; to permit personal surety bond to be posted by a qualified state resident; and to provide for related matters.

Read by title.

SENATE BILL NO. 552—
BY SENATOR C. JONES

AN ACT

To amend and reenact Children's Code Art. 903(A), relative to delinquency; to provide with respect to disposition hearings; to provide that judges shall not base any judgment of disposition of a juvenile on certain factors; and to provide for related matters.

Read by title.

Introduction of Resolutions,

House and House Concurrent

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE RESOLUTION NO. 26—
BY REPRESENTATIVE GALLOT

A RESOLUTION

To recognize James Benjamin Haskin, Sr. of Lucky in Bienville Parish upon his one hundredth birthday celebration.

Read by title.

On motion of Rep. Gallot, and under a suspension of the rules, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 77—
BY REPRESENTATIVE WELCH

A CONCURRENT RESOLUTION

To recognize the month of November as "Diabetes Month" in Louisiana and to promote public awareness of diabetes prevention, education, and management.

Read by title.

On motion of Rep. Welch, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 78—
BY REPRESENTATIVE DEWITT

A CONCURRENT RESOLUTION

To proclaim April 12, 2003, as Thiels Family Reunion Day in Louisiana.

Read by title.

On motion of Rep. Curtis, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

House and House Concurrent Resolutions

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

HOUSE RESOLUTION NO. 25—
BY REPRESENTATIVE TRICHE

A RESOLUTION

To amend and readopt House Rules 6.4(A) and (B) of the Rules of Order of the House of Representatives to provide for the composition of the Committee on Appropriations.

Read by title.

Under the rules, the above resolution was referred to the Committee on House and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 74—
BY REPRESENTATIVE WINSTON

A CONCURRENT RESOLUTION

To create the Foster Care and Management Act to impose a reporting obligation to create greater awareness of the activities of the office of community services within the Department of Social Services relative to its duties in the areas of foster care and adoption.

Read by title.

Page 4 HOUSE

5th Day's Proceedings - April 8, 2003

Under the rules, the above resolution was referred to the Committee on Health and Welfare.

House Bills and Joint Resolutions on Second Reading to be Referred

The following House Bills and Joint Resolutions on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

HOUSE BILL NO. 2—

BY REPRESENTATIVES HAMMETT AND LEBLANC AND SENATORS BARHAM AND DARDENNE

AN ACT

To provide with respect to the capital outlay budget and the capital outlay program for state government, state institutions, and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making appropriations from certain sources; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

HOUSE BILL NO. 3—

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM

AN ACT

To enact the Omnibus Bond Authorization Act of 2003, relative to the implementation of a five-year capital improvement program; to provide for the repeal of certain prior bond authorizations; to provide for new bond authorizations; to provide for authorization and sale of such bonds by the State Bond Commission; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

HOUSE BILL NO. 720—

BY REPRESENTATIVE HILL

AN ACT

To amend and reenact Children's Code Article 791.1, relative to the truancy and assessment and service center pilot program; to authorize the creation of a truancy and assessment and service center in the parish of Allen; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Administration of Criminal Justice.

HOUSE BILL NO. 721—

BY REPRESENTATIVES WINSTON AND STRAIN AND SENATOR THOMAS

AN ACT

To enact R.S. 49:149.27, relative to public buildings; to provide that the building in Covington known as the St. Tammany Livestock Show Facility be renamed as the Bobby Fletcher Agricultural Center; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

HOUSE BILL NO. 964—

BY REPRESENTATIVE LEBLANC

AN ACT

To amend and reenact Section 3(A) of Act No. 38 of the 1974 Regular Session of the Legislature, as amended by Act No. 673 of the 1977 Regular Session of the Legislature, Act No. 940 of the 1981 Regular Session of the Legislature, Act No. 939 of the 1986 Regular Session of the Legislature, and Act No. 40 of the 1989 Regular Session of the Legislature, relative to the taxes levied by the governing authority of Lafayette Parish upon the occupancy of hotel rooms and overnight camping facilities within the parish, the proceeds of which are used to support the Lafayette Parish Convention and Visitors Commission; to provide that the amount of such taxes shall not exceed four percent of the rent or fee charged for such occupancy; to provide for an effective date; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

HOUSE BILL NO. 1087—

BY REPRESENTATIVE HUNTER

AN ACT

To enact R.S. 33:2711.19, relative to municipal sales and use taxes; to authorize the governing authority of the city of Monroe to levy and collect an additional sales and use tax; to provide for voter approval; to provide for a termination date of such authority; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

HOUSE BILL NO. 1144—

BY REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 16:16(A) and 16.1 and to enact R.S. 16:16.3, relative to court costs in criminal matters; to provide for fees for the office of the district attorney in the parish of Orleans; to provide for an additional nonrefundable fee in criminal matters; to require the clerk of the Criminal District Court for the parish of Orleans to remit the money monthly to the district attorney's office; to provide for expenditure of the money collected; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Judiciary.

HOUSE BILL NO. 1661—

BY REPRESENTATIVE DANIEL

AN ACT

To enact R.S. 33:9033.4, to authorize the creation of a tax increment financing district within the parish of East Baton Rouge; to provide for the governance of the district; to provide for the powers, duties, and authority of the district, including the power of taxation and the power to engage in tax increment financing; to provide for the governing body of the district; to provide for the boundaries of the district; to provide for an effective date; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

HOUSE BILL NO. 1674—

BY REPRESENTATIVE M. JACKSON
AN ACT

To enact R.S. 33:9033.4, to authorize the creation of a tax increment financing district within the parish of East Baton Rouge; to provide for the governance of the district; to provide for the powers, duties, and authority of the district, including the power of taxation and the power to engage in tax increment financing; to provide for the governing body of the district; to provide for the boundaries of the district; to provide for an effective date; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

HOUSE BILL NO. 1770—

BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 23:921(B) and (C), relative to employment contracts; to provide that interested parties may agree to refrain from engaging in similar businesses under certain circumstances; to provide that employees may not engage in similar businesses under certain circumstances; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Labor and Industrial Relations.

Motion

On motion of Rep. Landrieu, the Committee on Administration of Criminal Justice was discharged from further consideration of House Bill No. 144.

HOUSE BILL NO. 144—

BY REPRESENTATIVE LANDRIEU
AN ACT

To enact R.S. 27:27.1(C)(12), relative to the uniform compulsive and problem gambling program; to require certain gaming licensees to adopt policies and procedures designed to prevent persons from gaming after having been determined to be intoxicated; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Landrieu, the bill was withdrawn from the files of the House.

Motion

On motion of Rep. Flavin, the Committee on Municipal, Parochial and Cultural Affairs was discharged from further consideration of House Bill No. 198.

HOUSE BILL NO. 198—

BY REPRESENTATIVE FLAVIN
AN ACT

To enact Chapter 3-E of Title 8 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 8:141 through 144, to create the Sweet Lake- Grand Lake Community Cemetery District in Cameron Parish; to provide relative to the boundaries and purposes of the district; to provide relative to the governing authority, powers, and duties of the district; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Flavin, the bill was withdrawn from the files of the House.

Motion

On motion of Rep. Ansardi, the Committee on Health and Welfare was discharged from further consideration of House Bill No. 243.

HOUSE BILL NO. 243—

BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact Children's Code Articles 424.1(A), 1015(7), 1101, and 1193(introductory paragraph); to enact Chapter 13 of Title XI of the Children's Code, to be comprised of Articles 1149 through 1160; and to repeal Children's Code Articles 1701 through 1706, relative to safe haven relinquishments of infants; to provide for CASA appointments; to provide for defenses to prosecution; to provide for emergency care facility responsibilities; to provide for medical evaluations of the infant; to provide for hearings for parent to reclaim parental rights; to provide procedures when a non-relinquishing parent cannot be identified; to provide procedural safeguards; and to provide for related matters.

Read by title.

On motion of Rep. Ansardi, the bill was recommitted to the Committee on Civil Law and Procedure.

Motion

On motion of Rep. Devillier, the Committee on Civil Law and Procedure was discharged from further consideration of House Bill No. 604.

HOUSE BILL NO. 604—

BY REPRESENTATIVE DEVILLIER
A JOINT RESOLUTION

Proposing to amend Article I, Section 4 of the Constitution of Louisiana, relative to the right to property; to provide for the protection of the ownership rights of personal property; to clarify that contraband has no such protection; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

On motion of Rep. Devillier, the bill was recommitted to the Committee on Administration of Criminal Justice.

Motion

On motion of Rep. Montgomery, the Committee on Health and Welfare was discharged from further consideration of House Bill No. 1376.

HOUSE BILL NO. 1376—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To enact Children's Code Article 923, relative to the effect of conviction of certain misdemeanors; to provide that the adjudication or conviction of a misdemeanor offense by certain persons does not affect future licensing, employment, or determination of suitability; to provide for definitions; and to provide for related matters.

Page 6 HOUSE

5th Day's Proceedings - April 8, 2003

Read by title.

On motion of Rep. Montgomery, the bill was recommitted to the Committee on Administration of Criminal Justice.

Motion

On motion of Rep. Diez, the Committee on Commerce was discharged from further consideration of House Bill No. 1415.

HOUSE BILL NO. 1415—

BY REPRESENTATIVES DIEZ, ILES, AND JOHN SMITH
AN ACT

To enact R.S. 32:1728.5, relative to the Louisiana Towing and Storage Act; to provide relative to the disposal of abandoned motor vehicles; to authorize the issuance of permits to dismantle or crush in certain circumstances; to authorize the suspension of registration privileges in certain circumstances; to authorize a fee; to provide relative to reinstatement of registration privileges; to provide relative to the limitation of liability; and to provide for related matters.

Read by title.

On motion of Rep. Diez, the bill was recommitted to the Committee on Transportation, Highways and Public Works.

Motion

On motion of Rep. Odinet, the Committee on Environment was discharged from further consideration of House Bill No. 1455.

HOUSE BILL NO. 1455—

BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 33:4065.3(H), relative to the Lake Catherine Sewage and Water District; to authorize the board of commissioners of the district to fix, collect, and revise sewer and water rates or fees for facilities and services furnished by the district; to provide for the collection thereof, including liens and penalties for delinquency; and to provide for related matters.

Read by title.

On motion of Rep. Odinet, the bill was recommitted to the Committee on Municipal, Parochial and Cultural Affairs.

Motion

On motion of Rep. Hunter, the Committee on Education was discharged from further consideration of House Bill No. 1744.

HOUSE BILL NO. 1744—

BY REPRESENTATIVE HUNTER
AN ACT

To enact R.S. 17:2118, relative to the Louisiana High School Athletic Association; to provide relative to budgets and audits of the association; to provide relative to court review of decisions of the association; to provide relative to proper venue for actions brought against the association; to provide relative to the applicability of open meetings provisions to the association and retirement system participation by the association; to provide relative to notices and hearings as it relates to the association; and to provide for related matters.

Read by title.

On motion of Rep. Hunter, the bill was recommitted to the Committee on House and Governmental Affairs.

House Bills and Joint Resolutions on Second Reading Reported by Committee

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

HOUSE BILL NO. 64—

BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact Code of Civil Procedure Article 1922, relative to money judgments; to require the inclusion of date of birth of the judgment debtors; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 64 by Representative Baldone

AMENDMENT NO. 1

On page 1, line 10, after "rendered" change the period "." to a comma "," and add "if the date of birth is known by the attorney preparing the judgment."

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 126—

BY REPRESENTATIVES MONTGOMERY AND WALKER
AN ACT

To amend and reenact R.S. 20:1(A)(2), relative to the exemption from seizure and sale of a homestead; to provide for an increase in the amount of the homestead exemption; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 126 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 15, after "~~twenty-five~~" and before "hundred" change "two" to "one"

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 179—

BY REPRESENTATIVE POWELL

AN ACT

To amend and reenact R.S. 9:2715(B)(1), relative to the transfer of structured settlement rights; to provide for venue for filing the ex parte petition in the parish in which the payee resides; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

On motion of Rep. Johns, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 226—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 12:102(A)(introductory paragraph) and to enact R.S. 12:102(A)(6), relative to business corporations' annual reports; to provide that an agent may make and sign an annual report; to provide the name, address, telephone number, and electronic e-mail address of the person submitting the annual report; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Commerce.

On motion of Rep. Pinac, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 227—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 12:308(D), relative to foreign corporations; to provide for written notice of resignations of registered agents; to provide for mailing of notices to principal place of business; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Commerce.

On motion of Rep. Pinac, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 228—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 12:1308(E)(1) and 1308.1(A)(introductory paragraph) and to repeal R.S. 12:1308(E)(2), relative to limited liability companies' registered agents; to provide for an agent's resignation; to provide for filing an annual report; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Commerce.

On motion of Rep. Pinac, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 229—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 12:1350(D), relative to foreign limited liability companies; to provide for written notices of resignations by registered agents; to provide for mailing of notices to the principal place of business; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Commerce.

On motion of Rep. Pinac, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 333—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 40:1472.3(A) and R.S. 51:655(A) and (B)(2) and 658(A)(2) and to enact R.S. 51:650(9) through (12) and 655(E), relative to fireworks; to revise provisions relative to the public display of fireworks; to provide for definitions; to provide for penalties; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 333 by Representative Pinac

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 40:1472.3(A)" insert "and" and after "R.S. 51:655(A)" insert "and (B)(2)"

AMENDMENT NO. 2

On page 2, line 10, after "R.S. 51:655(A)" and before "and 658(A)(2)" insert "and (B)(2)"

AMENDMENT NO. 3

On page 4, line 9, delete the asterisks and insert the following:

"B.

* * *

(2) The fee for application for a permit for a public display shall be ~~ten~~ one hundred dollars and shall be used to offset the cost of processing the permit request and cover the expense of on-site inspections.

* * *

On motion of Rep. Pinac, the amendments were adopted.

On motion of Rep. Pinac, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

Page 8 HOUSE

5th Day's Proceedings - April 8, 2003

HOUSE BILL NO. 340—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 13:3204(A) and 3205, relative to personal jurisdiction over nonresidents; to provide for service of process in divorce proceedings; to provide for service of process in summary proceedings; to provide for the rendering of judgments; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

On motion of Rep. Johns, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 398—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact Code of Civil Procedure Article 1734.1, relative to deposits for jury trials; to provide for the discretionary authority of the court in setting the amount of the deposit; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 398 by Representative Baldone

AMENDMENT NO. 1

On page 1, line 14, after "The" delete the remainder of the line and delete line 15 in its entirety and insert "deposit shall include sufficient funds for payment of"

AMENDMENT NO. 2

On page 1, at the beginning of line 16, delete "sufficient to fund"

AMENDMENT NO. 3

On page 2, line 1, after the period "." add the following:

"The required deposit shall not exceed one thousand five hundred dollars for the first day of trial plus three hundred dollars per day for each additional day the court estimates the trial will last."

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 698—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 40:1613, relative to order of the fire marshal; to clarify that fire marshal orders must be "lawful" orders; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Administration of Criminal Justice.

The substitute was read by title as follows:

HOUSE BILL NO. 1769 (Substitute for House Bill No. 698 by Representative Pinac)—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 40:1568.1, relative to orders of the fire marshal; to provide that the fire marshal shall order an investigation of any fire resulting in any human death; and to provide for related matters.

Read by title.

On motion of Rep. Pinac, the substitute was adopted and became House Bill No. 1769 by Rep. Pinac, on behalf of the Committee on Commerce, as a substitute for House Bill No. 698 by Rep. Pinac.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 701—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 40:1563(B)(4), 1573, and 1575, relative to fire protection; to prohibit the fire marshal from inspecting "one- or two-family dwellings"; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 701 by Representative Pinac

AMENDMENT NO. 1

On page 1, delete line 3 and insert "protection; to prohibit the fire marshal from inspecting"

AMENDMENT NO. 2

On page 2, at the beginning of line 2, insert "private homes and"

AMENDMENT NO. 3

On page 2, line 15, after "interior of a" and before "one- and two-" insert "single private and"

AMENDMENT NO. 4

On page 2, line 26, after "interiors of" and before "one- or two-family" insert "private and"

On motion of Rep. Pinac, the amendments were adopted.

On motion of Rep. Pinac, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 963—

BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 38:27, relative to damage claims against the state, its agencies, or employees related to the failure, operation, or approval of a dam located in this state; to define "dam"; to include the Toledo Bend Dam; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

On motion of Rep. Johns, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1629—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 40:1625(C)(2)(b) and (9)(introductory paragraph) and 1628(A)(3)(b) and (B)(3), relative to fire protection engineers and mechanical engineers; to provide for licensing as fire protection sprinkler systems contractors; to eliminate errors and omissions insurance requirement; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 1629 by Representative Pinac

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 40:1625(C)(2)(b) and" and before "1628(A)(3)(b)" insert "(9)(introductory paragraph) and"

AMENDMENT NO. 2

On page 1, line 8, after "R.S. 40:1625(C)(2)(b) and" and before "1628(A)(3)(b)" insert "(9)(introductory paragraph) and"

AMENDMENT NO. 3

On page 2, line 1, after "as a" and before "fire" insert "Louisiana certified"

AMENDMENT NO. 4

On page 2, between lines 6 and 7, insert the following:

"(9) "Inspector" means a person who has satisfied all of the following conditions or maintains a license as a Louisiana certified fire protection or mechanical engineer and submits a completed application with the appropriate fee:

* * *

AMENDMENT NO. 5

On page 2, line 20, after "as a" and before "fire" insert "Louisiana certified"

On motion of Rep. Pinac, the amendments were adopted.

On motion of Rep. Pinac, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1727—

BY REPRESENTATIVES POWELL AND DANIEL

AN ACT

To amend and reenact R.S. 9:4103(A), relative to alternative dispute resolution; to provide for the referral of a case to mediation by the court; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

On motion of Rep. Johns, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1767—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 40:1563(J) and 1563.4(A) and to enact R.S. 40:1563(K), relative to powers and duties of the fire marshal; to provide for cease and desist orders for violations of fire protection and prevention statutes; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Commerce.

On motion of Rep. Pinac, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**Introduction of House Bills
and Joint Resolutions**

The following named members introduced the following House Bills and Joint Resolutions, which were read the first time by their titles, and placed upon the calendar for their second reading:

HOUSE BILL NO. 1520—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact Chapter 42 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9581, relative to the creation of a special taxing district in St. John the Baptist Parish; to create such district; to provide for the purpose for which the district is created; to provide for the governance of the district; to provide for the powers, duties, and functions of the district and its governing authority including the power of taxation; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 1771—

BY REPRESENTATIVES LANCASTER AND CAPELLA AND SENATORS MICHOT AND HAINKEL

AN ACT

To amend and reenact R.S. 39:21.3(C)(1) and to enact Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4011, 4012, 4015 through 4020, and 4025 through 4027, R.S. 36:651(F), and R.S. 39:21.3(C)(2)(f), relative to the establishment of the Louisiana Parental Choice in Education Program; to provide legislative findings and the program's purpose; to establish and provide for requirements to participate in the

Page 10 HOUSE

5th Day's Proceedings - April 8, 2003

program; to provide with regard to the eligibility of students and parents and the eligibility and requirements for public schools, charter schools, and private and parochial schools; to provide definitions; to provide for certain scholarships; to provide relative to funding; to provide relative to accountability; to establish and provide for the membership of the Louisiana Parental Choice in Education Commission to manage and administer the program; to provide relative to the powers and duties of the commission; to provide for the adoption of rules; to provide relative to the membership and duties of the Education Estimating Conference; and to provide for related matters.

Read by title.

HOUSE BILL NO. 1772— BY REPRESENTATIVE K. CARTER AN ACT

To enact Civil Code Article 2315.3, relative to damages; to provide for the awarding of exemplary damages for injuries caused by the storage, handling, or transportation of hazardous or toxic substances; to provide for the award of a percentage of damages to the local school board; and to provide for related matters.

Read by title.

HOUSE BILL NO. 1773— BY REPRESENTATIVE MURRAY AN ACT

To amend and reenact R.S. 13:1312(D), relative to judicial expense funds; to provide relative to funds of any civil district court and city courts located in a parish with a population of greater than four hundred seventy thousand; to authorize the judges en banc to utilize the funds for a separate juvenile facility; to delete prohibition against raising additional fees; to delete requirement that additional funds be derived from other noncourt cost-related sources; to delete the requirement that the Joint Legislative Committee on the Budget approve the plans and cost; and to provide for related matters.

Read by title.

HOUSE BILL NO. 1774— BY REPRESENTATIVE POWELL AN ACT

To amend and reenact R.S. 33:1448(G), relative to group insurance for sheriffs and deputy sheriffs; to require the sheriff of any parish with a population of between one hundred thousand and one hundred two thousand to pay certain premium costs of specified group insurance for certain retired officials and employees; to provide limitations; and to provide for related matters.

Read by title.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Appropriations

April 8, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Appropriations to submit the following report:

House Bill No. 267, by Frith
Reported favorably. (12-0) (Local and Consent)

House Bill No. 573, by Crane

Reported with amendments. (12-0) (Regular)

House Bill No. 1148, by Erdey
Reported favorably. (13-0) (Local and Consent)

House Bill No. 1270, by Winston
Reported favorably. (12-0) (Regular)

House Bill No. 1609, by Scalise
Reported with amendments. (15-0) (Regular)

House Bill No. 1623, by LeBlanc
Reported with amendments. (15-0) (Regular)

JERRY LUKE LEBLANC
Chairman

Report of the Committee on Civil Law and Procedure

April 8, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Civil Law and Procedure to submit the following report:

House Bill No. 128, by Montgomery
Reported favorably. (5-2) (Regular)

House Bill No. 479, by Bruneau
Reported with amendments. (8-0) (Regular)

House Bill No. 519, by Johns
Reported favorably. (8-0) (Regular)

House Bill No. 737, by Baldone
Reported favorably. (6-0) (Regular)

House Bill No. 998, by Gallot
Reported with amendments. (6-0) (Regular)

House Bill No. 1048, by Broome
Reported with amendments. (6-0) (Regular)

House Bill No. 1098, by Johns
Reported with amendments. (7-0) (Regular)

RONNIE JOHNS
Chairman

Report of the Committee on Commerce

April 8, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Commerce to submit the following report:

House Bill No. 184, by Pinac
Reported favorably. (9-0) (Regular)

House Bill No. 186, by Pinac
Reported with amendments. (10-0) (Regular)

House Bill No. 329, by Pinac
Reported favorably. (10-0) (Regular)

House Bill No. 517, by Johns
Reported favorably. (10-0) (Regular)

House Bill No. 1007, by Bruneau
Reported with amendments. (11-0) (Regular)

House Bill No. 1037, by Pinac
Reported favorably. (10-0) (Regular)

House Bill No. 1120, by Damico
Reported favorably. (9-0) (Regular)

House Bill No. 1146, by Hammett
Reported with amendments. (10-0) (Regular)

GIL J. PINAC
Chairman

Report of the Committee on Environment

April 8, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Environment to submit the following report:

House Bill No. 1570, by Daniel
Reported with amendments. (11-0) (Regular)

N. J. DAMICO
Chairman

**Report of the Committee on
Transportation, Highways and Public Works**

April 8, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Transportation, Highways and Public Works to submit the following report:

House Bill No. 11, by Strain
Reported favorably. (10-0-1) (Regular)

House Bill No. 18, by Bruneau
Reported favorably. (13-0-1) (Regular)

House Bill No. 40, by Iles
Reported with amendments. (15-0-1) (Regular)

House Bill No. 44, by Strain
Reported favorably. (10-0-1) (Regular)

House Bill No. 242, by Quezaire
Reported favorably. (13-0-1) (Regular)

House Bill No. 287, by Toomy
Reported favorably. (15-0-1) (Regular)

House Bill No. 328, by Nevers
Reported favorably. (10-0-1) (Regular)

House Bill No. 394, by Scalise
Reported with amendments. (8-7-0) (Regular)

House Bill No. 407, by Johns
Reported favorably. (10-0-1) (Regular)

House Bill No. 602, by Cazayoux
Reported favorably. (13-0-1) (Regular)

House Bill No. 932, by Pitre
Reported favorably. (15-0-1) (Regular)

House Bill No. 1168, by Quezaire
Reported favorably. (13-0-1) (Regular)

JOHN C. DIEZ
Chairman

Report of the Committee on Ways and Means

April 8, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Ways and Means to submit the following report:

House Concurrent Resolution No. 72, by Montgomery
Reported favorably. (9-0-1)

House Bill No. 830, by Hammett
Reported favorably. (8-0-1) (Regular)

House Bill No. 893, by Hammett
Reported favorably. (8-0-1) (Regular)

House Bill No. 1010, by Hammett
Reported with amendments. (8-0-1) (Regular)

House Bill No. 1036, by Hammett
Reported favorably. (8-0-1) (Regular)

House Bill No. 1066, by Hammett
Reported favorably. (8-0-1) (Regular)

BRYANT O. HAMMETT, JR.
Chairman

Privileged Report of the Committee on Enrollment

June 7, 2003

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 24—
BY REPRESENTATIVE HUTTER

A RESOLUTION

To express sincere and heartfelt condolences upon the death of Hillary J. "Tookie" Nunez, Sr. of St. Bernard Parish.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

April 8, 2003

Page 12 HOUSE

5th Day's Proceedings - April 8, 2003

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 75—

BY REPRESENTATIVE BRUCE

A CONCURRENT RESOLUTION

To commend the DeSoto Youth Sportsmen Team upon winning the National Rifle Association's Youth Hunter Education Challenge.

HOUSE CONCURRENT RESOLUTION NO. 76—

BY REPRESENTATIVE WELCH

A CONCURRENT RESOLUTION

To recognize April 9, 2003, as a Day of Prayer in Louisiana for the victims of the South Louisiana serial killer, for the victims' families, and for the serial killer's quick apprehension.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Suspension of the Rules

On motion of Rep. Thompson, the rules were suspended to permit the Committee on Agriculture to meet upon adjournment on Wednesday, April 9, 2003, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill Nos. 1398, 1400, 1402, 1472, 1493, and 1696

Suspension of the Rules

On motion of Rep. Toomy, the rules were suspended to permit the Committee on Judiciary to meet upon adjournment on Wednesday, April 9, 2003.

Suspension of the Rules

On motion of Rep. Guillory, the rules were suspended to permit the Committee on Labor and Industrial Relations to meet upon adjournment on Wednesday, April 9, 2003.

Suspension of the Rules

On motion of Rep. Broome, the rules were suspended to permit the Committee on Municipal, Parochial and Cultural Affairs to meet upon adjournment on Wednesday, April 9, 2003.

Suspension of the Rules

On motion of Rep. Pierre, the rules were suspended to permit the Committee on Natural Resources to meet on Wednesday, April 9, 2003, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill No. 718

Leave of Absence

Rep. Hutter- 1 day

Adjournment

On motion of Rep. Thompson, at 4:50 P.M., the House agreed to adjourn until Wednesday, April 9, 2003, at 2:00 P.M.

The Speaker of the House declared the House adjourned until 2:00 P.M., Wednesday, April 9, 2003.

ALFRED W. SPEER
Clerk of the House